

**SANTAMARIA AFFIDAVIT
EXHIBIT B
PLAINTIFF'S DEPOSITION
PP 39-44**

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2 be authorized, or wire ACHs going out or just
3 other than in-person transactions.

4 Q How about a money market; are there
5 restrictions on withdrawals from that account?

6 A Yes.

7 Q What are those restrictions?

8 A Six debits and since you can have
9 checks for a money market account, no more
10 than three of those can be checks. In-person
11 transactions would be unlimited.

12 Q When you say six and three, over
13 what period of time do the six and three
14 limitations apply?

15 A I'm sorry, one month.

16 Q Did North Fork have any way of
17 monitoring the number of transactions with
18 respect to and let's stick to the money market
19 account right now, the number of transactions
20 that were performed in a month with respect to
21 a money market account so that it would know
22 whether or not those numbers were met, the six
23 and three that you just told me about?

24 MS. GOODELL: Objection to the form
25 of the question.

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2 A Yes.

3 Q What was that method of monitoring?

4 A A report was produced.

5 Q Who would produce that report, if
6 you know?

7 A I don't remember.

8 Q When the report was produced, where
9 would it go?

10 MS. GOODELL: Objection to the form
11 of the question.

12 Q Do you know what the distribution
13 was?

14 A I don't remember exactly.

15 Q With respect to your branch, did
16 you receive a copy of that report?

17 A We were able to view the accounts
18 that were in violation of that.

19 Q You were?

20 A Yes.

21 Q When you say you, you mean as
22 branch manager?

23 A As branch manager I could do that,
24 and the assistant branch manager's did also.

25 Q Was there a policy or procedure for

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2 how frequently the manager or assistant
3 manager was supposed to view that report?

4 A Monthly.

5 Q During your tenure as branch
6 manager at Fifth Avenue, did you perform that
7 function monthly with respect to the accounts
8 that were housed at your branch?

9 A My assistant managers performed
10 that duty.

11 Q Did you instruct them to do that
12 work on a monthly basis that is to view those
13 reports?

14 A Yes.

15 Q Was there a policy or procedure
16 that you put into place as to what was to
17 happen upon an assistant manager's review if a
18 violation came up?

19 A A letter was to be sent.

20 O Who was to do that?

21 A It's not specified but in our case,
22 the assistant manager could send it, or they
23 might direct one of the bankers. It's a
24 template so they might direct one of the
25 bankers to send a letter, or they might send a

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2 letter.

3 Q Did you have a policy or procedure
4 in place whereby if a violation was discovered
5 that the assistant manager was to notify you?

6 A Do you mean something that was
7 stated?

8 Q Well, you had stated before that
9 your assistant manager was supposed to handle
10 this function?

11 A Yes.

12 Q Had you instructed the assistant
13 manager to do that on a monthly basis?

14 A To notify me?

15 Q No, to review.

16 A Yes.

17 Q Had you also instructed the
18 assistant manager to notify you if a violation
19 came up?

20 A No.

21 Q In fact, if a violation came up
22 while you were at the Fifth Avenue branch, did
23 you ever recall an assistant branch manager
24 advising you that a violation had occurred?

25 A Yes.

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2 Q When was that?

3 A In 2005, it was brought up that
4 Laurus was showing on the report.

5 Q How did you first become aware of
6 it?

7 A One of my assistant managers told
8 me

9 Q Do you remember when in 2005 that
10 was?

11 A I'm not sure but, to the best of my
12 recollection, it could have been late summer
13 or early fall.

14 Q At that time, was there someone who
15 you reported to as branch manager of the Fifth
16 Avenue branch?

17 A Yes.

18 Q Who was that?

19 A Penelope Wamboldt.

Q What was her position?

21 A Regional administrative manager of
22 record. I don't recall the exact title.

23 Q At the time when the report with
24 respect to money market accounts, showed a
25 violation by Laurus, do you know whether

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2 Penelope Wamboldt was advised of that fact?

3 A Yes, she was.

4 Q Who advised her, do you know?

5 A I don't recall.

6 Q After you became aware of the fact

7 that Laurus was on this report, what steps, if
8 any, were taken with respect to Laurus being
9 on this report?

10 A We normally would send a letter to
11 a client as a warning kind of letter which was
12 a template, but because of the size and
13 importance of the Laurus relationship, we were
14 told to hold off. And that's what we did.

15 Q Who told you to hold off?

16 A Penelope Wamboldt told us to hold
17 off and Fran Girsch told us to hold off.

18 Q Who was Fran Girsch?

19 A She was an operation's supervisor
20 in Manhattan.

21 Q Was there any reason stated for the
22 direction to hold off?

23 MS. GOODELL: Objection.

24 A The letter was thought to be --
25 Well, the letter was a template, and they